

July 6, 2020

Todd Feathers  
411A Highland Avenue  
Somerville, MA 02144

VIA Email: [97026-75881152@requests.muckrock.com](mailto:97026-75881152@requests.muckrock.com)

RE: FOIA Case NO. 2020-FPRO-01402

Mr. Feathers:

Your request for information under the Freedom of Information Act has been forwarded to this department for response. You requested the following:

1. Copies of all contracts, memorandums of understanding, or comparable documents between the USPS and MyMove (MYMOVE LLC).
2. Copies of all data sharing, data retention, and privacy agreements between USPS and MyMove (MYMOVE LLC). This should include any document that lays out what data USPS shares about its customers with MyMove and how that data can be used.

We have identified 139 pages of record material which is responsive to your request. All pages are being withheld in their entirety pursuant to FOIA exemption 3, cited below.

FOIA Exemption 3 provides that agencies may withhold records that are exempted from disclosure by another statute which "establishes particular criteria for withholding or refers to particular types of matters to be withheld" 5 U.S.C. § 552(b)(3). Section 410(c)(2) of Title 39, U.S. Code, provides that information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good practice would not be publicly disclosed is exempt from disclosure requirements of the FOIA. This section was enacted as part of the Postal Reorganization Act, (PRA), 39 U.S.C. § 101 et seq. (1970), which designated the Postal Service as an independent establishment of the executive branch and generally directed it to conduct its operations in accordance with sound business principles. Section 410(c)(2) operates both independently and as an exempting statute within the scope of Exemption 3.

To determine what constitutes "good business practice" under § 410(c)(2), courts consider the customs of the commercial world, management techniques, and business law, as well as the standards of practice adhered to by large corporations. The Postal Service may withhold information of a commercial nature if large businesses would do the same. It would not be good business practice to release the requested information, and private businesses would not release information of this nature to the public.

The Postal Service's ability to withhold such information is also consistent with Congress' intent, expressed through the PRA, that the Postal Service "be managed in a businesslike way," as well as

Congress' intent, expressed through the Postal Accountability and Enhancement Act of 2006 (PAEA), that the Postal Service become a profit-oriented, rather than breakeven, enterprise. Accordingly, the type of information requested meets the "commercial" and "good business practice" tests under 39 U.S.C. §410(c)(2). Unlike other federal government agencies, the Postal Service under the PRA receives no tax dollars for payment of operating expenses, and instead must fund its operations through revenue it receives from its customers for the sale of both competitive and non-competitive postage, products and services.

If you are not satisfied with the response to this request, you may file an administrative appeal within 90 days of the date of this response letter by writing to the General Counsel U.S. Postal Service 475 L'Enfant Plaza SW Washington, DC 20260 or via email at [FOIAAppeal@usps.gov](mailto:FOIAAppeal@usps.gov). Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request. The letter of appeal should include, as applicable:

1. A copy of the request, of any notification of denial or other action, and of any other related correspondence;
2. The FOIA tracking number assigned to the request;
3. A statement of the action, or failure to act, from which the appeal is taken;
4. A statement identifying the specific redactions to responsive records that the requester is challenging;
5. A statement of the relief sought; and
6. A statement of the reasons why the requester believes the action or failure to act is erroneous.

For further assistance and to discuss any aspect of your request, you may contact:

HQ FOIA REQUESTER SERVICE CENTER  
PRIVACY & RECORDS OFFICE  
475 L'ENFANT PLAZA SW RM 1P830  
WASHINGTON DC 20260-1101  
Phone: (202) 268-2608 Fax: (202) 268-5353  
FOIA Public Liaison: Nancy Chavannes-Battle  
Email: [FOIA12@usps.gov](mailto:FOIA12@usps.gov)

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at [ogis@nara.gov](mailto:ogis@nara.gov); telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

*Merl L. Stanley*

Merl L. Stanley